

State of Utah

Title and Escrow Commission Meeting

Meeting Information

Date **November 9, 2005** Time **9:30 to 4:30 PM** Place **Insurance Dept., Rm 3112**

Members

Commission Members

x Chairman, Joyce W. Clark, *Washington*
x *David M. Lattin*, Salt Lake

(Attendees = x)

x Darwin L. Johnson, *Wasatch*
x Glen W. Roberts, *Utah* x R. Curt Webb, *Cache*

Department Staff

John E. "Mickey" Braun, Jr. *Perri Babalis* x Brad Tibbitts *Gerri Jones*
Ass't Commissioner *AG Legal Counsel* *Director, P&C* *MC Examiner*

x Sheila Curtis *Gale Lemmon* x Jilene Whitby
MC Examiner *AG Prosecutor* *PIO/Recorder*

Public

TeJay Rasband *Cory Clayson* *Walt Vandenberg*

MINUTES

Welcome and Introductions – Chairman, Joyce Clark

At 9:36AM Joyce started the meeting. Brad noted that Gerri was sick, Gale and Perri were attending a meeting required by the Attorney General's Office and Mickey was on vacation. Darwin noted that Joyce did not receive a codebook since she was unable to attend last month's meeting, which she was then provided with.

Adoption of Minutes of Previous Meeting

Darwin **moved** to accept the minutes of the October 14 meeting. David seconded the motion. The vote was unanimous in favor of the motion.

Old Business

- **Review & Concur with Licensee Report** / Brad Tibbitts
A list of the September and October agency and individual licensing report was provided and reviewed by the Commission. Curt made a **motion** to approve the report. Darwin seconded the motion. The vote was unanimous in favor of the motion.
- **Review & Concur with Enforcement Case Report** / Brad Tibbitts
 - Joyce asked if some of the forfeiture money could be dedicated to a title enforcement examiner? Brad said it would need to be approved by the legislature.
 - Curt asked how fine amounts were determined. Brad said that to some extent it was determined by the size of the loss resulting from the violation.
 - Glen made a **motion** to concur with the administrative actions against:
The Talon Group;
Spencer Ball & Associates, LC; and
Melinda K. Goodman fka Melinda K. Austin.
David seconded the motion. The vote was unanimous in favor of the motion.
 - Darwin made a **motion** to concur with the administrative action against Premier Title & Escrow Insurance Agency Services, Inc. Glen seconded the motion. The vote was unanimous in favor of the motion and Curt abstained from voting.
 - Glen left the meeting for an appointment at 10:05. He will return.
- **Matrix of Violations** / Brad Tibbitts

Reviewed handout prepared by Gale Lemmon entitled, "Penalties to be imposed in Informal Adjudicative Proceedings Proposal for Advance Concurrence by the Title & Escrow Commission." The violations noted can be acted upon right away and during Commission meetings. Curt made a **motion** to approve the matrix. David seconded the motion. The vote was unanimous in favor of the motion.

- **Combine ULTA's Midwinter Convention & Commission Mtg. - Review Email from Perri Babalis**
 - After review, Perri said that it would be proper for ULTA to pay for David's room at the convention. David said he would not be able to attend. ULTA will pay registration fees for others on the committee. All but David will be attending. Expense for spouses will not be included.
 - Regarding the panel discussion at the convention, **Joyce will ask someone from ULTA to moderate**. They will review their responsibilities, what they are working on, what they want to do, how they see their role and upcoming legislation. They will plan on taking 1½ hours.
- **David Moore Notice - Report from ULTA Education Committee**

TeJay reported that ULTA was not in favor of the opinions and requests in David Moore's letter. Curt made a **motion** that the Commission not implement Mr. Moore's suggestions. Darwin seconded the motion. The vote was unanimous in favor of the motion. **Joyce will contact Mr. Moore with the Commission's decision.**
- **Reviewing and Updating Exam Questions & Reviewing Missed Exam Questions / Brad Tibbitts**
 - The testing service reviews questions constantly and can withdraw questions at any time if necessary. The department invites people from industry and the department to review test questions in July each year. If they don't make sense or are not applicable, they are thrown out. Most Commission members attended the meeting this year and are welcome to attend in the future. Curt thought that the industry should know what the process is.
 - **Curt asked if test questions could be reviewed and changes made to the tests in a more timely manner?** Changes made by the legislature normally take effect the first of May and tests are reviewed in July. Could the gap between the two be reduced?
 - **Curt asked if it was possible to review missed questions?** It would be educational and helpful to know specifically what questions were missed, not just the area.
 - **Darwin wanted to know how soon changes are made to the test after they are reviewed in July.**
- **Title Legislation - Sponsor Contacted?**

Curt will contact Senator Tom Hatch about objections made to last year's legislation regarding experience requirements. Joyce suggested asking Senator Hatch to attend next meeting. All agreed. **Brad will ask the Commissioner and Neal to contact Senator Hatch then Brad will contact Joyce as to what has been decided.** **When will the Interim meeting be next month?** The Commission would like to see the legislation before it is presented. ULTA's legislative liaison is Paul Newton.
- **Review Revised Rule Draft of R592-4, Standards for Title Escrow Charges / with Matrix and Escrow Cost Analysis / Brad Tibbitts**

Discussion on this rule and the accompanying ESCROW CHARGE FILING MATRIX DRAFT 11/7/05, was held. Changes were suggested on both documents and noted. Glen made a **motion** to approve the changes and Darwin seconded the motion. The vote was unanimous in favor of the motion.

New Business

- **R592-5, Fiduciary and Other Responsibilities of Title Insurance Producers Providing Escrow Services as Settlement Agents / Brad Tibbitts**

Curt gave a presentation concerning split closings and some of the possible unintended consequences. Input for the presentation came from the title and real estate industry. Joyce will invite the Utah Land Title Association Board to the December Title Commission Meeting to discuss the issue as Curt presented it. A **motion** to invite the ULTA Board was made by Glen and second by Curt. A larger room will need to be reserved.

- **Rules R592-5, Fiduciary and other Responsibilities of Title Insurance Producers, and R592-6, Title Insurance Agents Annual Reports**

The Commission agreed to postpone discussion on these rules until the December meeting.

- **Proposed Government Records Access and Management Task Force**

Joyce invited Paul Newton, title agent, to discuss the bill proposed by the GRAMA Task Force and possible revisions. The task force met today with the Government Operation and Public Utilities Committees who approved the legislation. Senator David Thomas and Representative Douglas Aagard are the sponsors. These bills address additional restrictions on private business to access government records along with new guidelines for the destruction of government documents. These changes could be detrimental to title and insurance business. The Commission did not support the bill and agreed to contact members of the Task Force they know to voice their opinion.

- Glen was asked to write an article for ULTA's newsletter about what the Title Commission has been working on.

- **Motion** to adjourn was made by Glenn Roberts and second by Darwin.

Other Business from Committee Members

Next Meeting

9:30 a.m., Room 3112, State Office Building

July 13, 2005	January 11, 2006
August 10, 2005	February 8, 2006
September 14, 2005	March 8, 2006
October 12, 2005	April 12, 2006
November 9, 2005	May 10, 2006
December 14, 2005 (Rm 5112)	June 14, 2006